

ORDINANCE 98- 5

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 92-20, KNOWN AS THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY, FLORIDA AS FOLLOWS:
AMENDING SECTION 4.1 (BOARD OF COUNTY COMMISSIONERS), AMENDING SECTION 4.16 (CITIZENS TASK FORCE), PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare, and safety of the existing and future residents by enacting and enforcing land development and administrative regulations necessary for the protection of the public; and

WHEREAS, Palm Beach County Ordinance 92-20 provided for the adoption of the Unified Land Development Code on June 16, 1992, pursuant to Section 163.3202, Florida Statutes to further growth management requirements; and

WHEREAS, Chapters 125 and 163, Florida Statutes, grant authority to the Board of County Commissioners to adopt and enforce land development regulations within the unincorporated area of Palm Beach County; and

WHEREAS, the Board of County Commissioners has mandated that County staff conduct periodic reviews of the Unified Land Development Code to evaluate its various provisions; and

WHEREAS, to streamline the process for adoption of amendments to the Unified Land Development Code it has been determined appropriate to designate the Citizens Task Force as the Land Development Regulation Commission;

WHEREAS, the Board of County Commissioners determines the proposed amendment is consistent the statutory requirements contained in Chapter 163 Part II, Florida Statutes; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

PART 1 The Unified Land Development Code of Palm Beach County is amended as follows:

SUBPART 1 SEC 4.1.A. BOARD OF COUNTY COMMISSIONERS, Powers and duties is amended as follows:

SEC. 4.1 BOARD OF COUNTY COMMISSIONERS

A. Powers and duties: In addition to any authority granted the Board of County Commissioners by general or special law, the Board of County Commissioners shall have the following powers and duties under the provisions of this Code:

~~1. To serve as Land Development Regulation Commission (LDRC) as provided by Secs. 163.3174 and 163.3164, Fla. Stat.;~~

Underlined language indicates proposed new language.

~~Language crossed out~~ indicates language proposed to be deleted.

... (ellipses) indicates language not amended which has been omitted to save space.

Relocated language is shown as underlined and italicized with reference (6.4.D.35.a.) in parentheses.

- 1 2-1. To initiate, hear, consider and approve, approve with conditions, or
2 deny applications to amend the text of the Comprehensive Plan.
- 3 3-2. To initiate, hear, consider and approve, approve with conditions, or
4 deny applications for Site Specific (Future Land Use Map)
5 amendments to the Future Land Use Map of the Comprehensive
6 Plan;
- 7 4-3. To initiate, hear, consider and approve, approve with conditions, or
8 deny applications for Transfer of Development Rights and Voluntary
9 Density Bonus Programs.
- 10 5-4. To initiate, hear, consider and approve, approve with conditions, or
11 deny applications for development permits to amend the text of this
12 Code;
- 13 6-5. To initiate, hear, consider and approve, approve with conditions, or
14 deny applications for development permits to amend the Official
15 Zoning Map of this Code;
- 16 7-6. To hear, consider and approve, approve with conditions, or deny
17 applications for development permits for Preliminary Development
18 Plans for a Residential Planned Unit Development (RPUD),
19 Traditional Neighborhood Development District (TND), Neighborhood
20 Center Planned Development District (NCPD), Mixed Use Planned
21 Development District (MXDD), Multiple Use Planned Development
22 District (MUDD), Planned Industrial Park Development District (PIPD),
23 Mobile Home Park Planned Development District (MHPD),
24 Recreational Vehicle Park Planned Development District (RVPD), and
25 Solid Waste Disposal Planned Development District (SWPD);
- 26 8-7. To hear, consider and approve, approve with conditions, or deny
27 applications for development permits for Class "A" Conditional uses;
- 28 9-8. To hear and consider appeals from, and affirm or reverse decisions
29 of the Zoning Commission on applications for development permits
30 for Class "B" Conditional uses;
- 31 10-9. To designate and appoint hearing officers to make decisions as the
32 Board of County Commissioners may deem appropriate;
- 33 11-10. To establish fees for the review of applications for
34 development permits, and appropriate funds to defray the
35 costs of administering this Code;
- 36 12-11. To act to ensure compliance with development orders or
37 permits as approved and issued;
- 38 13-12. To hear and consider administrative inquiries.
- 39 14-13 To take such other action not delegated to the Land Use Advisory
40 Board, the Zoning Commission, the Development Review Committee,
41 the Board of Adjustment, the Traffic Performance Standards Appeals

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Board, the Environmental Control Hearing Board, the Environmental Ordinance Appeals Board, the Development Review Appeals Board, the Impact Fee Review Committee, the Impact Fee Appeals Board, the Environmental Ordinance Appeals Board, the Code Enforcement Board, the Groundwater and Natural Resources Protection Board, the Hearing Officer, or the heads or other officials of County Departments, as the Board of County Commissioners may deem desirable and necessary to implement the provisions of the Comprehensive Plan and this Code; and

45.14. To appoint other advisory boards that are determined necessary to assist in the implementation of this Code or the Comprehensive Plan.

SUBPART 2 SEC 4.16 B CITIZENS TASK FORCE, Powers and duties is amended as follows:

SEC. 4.16 CITIZENS TASK FORCE.

- A. Establishment. There is hereby established a Citizens Task Force.
- B. Powers and duties. The Citizens Task Force shall have the following powers and duties under the provisions of this Code.
1. To periodically review the provisions to this Code and make recommendations to the Board of County Commissioners for proposed amendments;
 2. To make its special knowledge and expertise available upon written request and authorization of the Board of County Commissioners to any official, department, board, commission or agency of the County, State or Federal Governments; and
 3. To submit an Annual Report to the Board of County Commissioners summarizing its annual activities.
 4. To serve as Land Development Regulation Commission (LDRC) as provided by Secs. 163.3164 and 163.3194, Fla. Stat.:

PART 2. CAPTIONS: The captions, section headings, and section designations used in this ordinance are intended for the convenience of users only and shall have no effect in the interpretation of the provisions of this ordinance.

PART 3. REPEAL OF LAWS IN CONFLICT: All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of any conflict.

PART 4. SEVERABILITY: If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

PART 5. INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE: The provision of this ordinance shall become and be made a part of the Unified Land Development Code

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1 of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or
2 relettered to accomplish such, and the word "ordinance" may be changed to "section,"
3 "article," or any other appropriate word.

4 **PART 6. EFFECTIVE DATE:** The provisions of this ordinance shall become effective upon
5 filing with the Department of State.

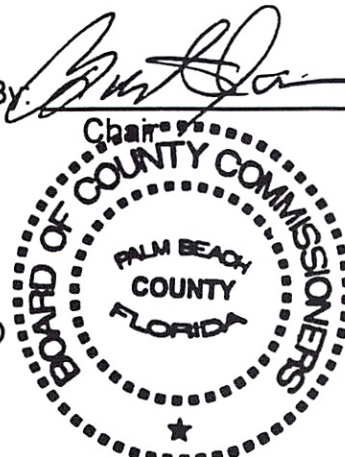
6 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach
7 County, on the 24th day of February, 1998.

8 ATTEST: PALM BEACH COUNTY, FLORIDA,
9 BY ITS BOARD OF COUNTY COMMISSIONERS
10 DOROTHY H. WILKEN

11 By: Michael J. Lewis By: Barbara J. ...
12 Deputy Clerk Chair

13 APPROVED AS TO FORM AND
14 LEGAL SUFFICIENCY

15 By: Robert J. ...
16 County Attorney



17 EFFECTIVE DATE: Filed with the Department of State on the 4th day of
18 March, 1998, at _____ m.

19 F:\COMMON\LDRC.2

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 2/24/98
DATED at West Palm Beach, FL on 3/11/98
DOROTHY H. WILKEN, Clerk
By: Phyllis A. House D.C.

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